

/ Czech Republic: New regulation of mystery shopping

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The Czech Ministry of Industry and Trade presented a draft amendment to the Act on the Czech Trade Inspection Authority (CTIA). The draft mainly aims at ensuring adequate and effective protection of consumers in situations when they are offered goods and services, and generally at improving the effectiveness of supervision in the field of consumer protection.

The amendment brings a wide range of changes that are worth considering, including the powers of inspectors to request information about a seller that sells goods via the Internet, but does not provide all the information about itself, which is required by law, on its website and thus cannot be contacted. Inspectors will be able to get any information, documents or data required to identify persons operating such websites.

The draft also deals in detail with the issue of control purchases (i.e. mystery shopping), and, among other things, it gives now inspectors the right to rescind a consumer (purchase) contract concluded by them as mystery shoppers, not only in distance selling transactions (e-shops, etc.). However, in such situations, the inspector has to inform the tested person that he has made a testing purchase. This notification must be made either immediately after the purchase, or within 14 days of taking the delivery of the relevant supply. The draft also regulates the associated issue of recompense.

Also, very important is the newly introduced right of inspectors to act under changed identity in certain justified cases, and to use premises created to conceal the Czech Trade Inspection Authority's activities. This change should help the inspectors to perform inspections efficiently and duly, and without exposing themselves to inadequate risks that have often threatened them.

The draft should further provide for an easier control of compliance in instances when the seller is not traceable due to the fact that the point of sale was left by its staff, which often used to happen during inspections in marketplaces. The bill thus provides for at least a partial solution of the long-persisting practical problem consisting in the checked persons' obstructive conduct.

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